IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3726 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SAGAR COMPANY THRO' PROPRIETOR - Petitioner(s)
Versus
STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :
MR SUNIL K SHAH for Petitioner(s) : 1,MS SUSHMA S SHAH for Petitioner(s) : 1,MR DT SONI for Petitioner(s) : 1,
MS KRINA CALLA, AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 03/08/2007

ORAL JUDGMENT

The petitioner has challenged the orders passed by the authorities below confiscating the stock of 15 tins of groundnut oil.

2. The petitioner had permission to deal in essential commodities. On inspection, it was sound that 30 tins of groundnut oil were found in excess. A show cause notice was issued against the petitioner. His explanation was considered and eventually, the Competent Authority passed an order confiscating half the amount of oil tins found in excess. Thus, a total sum of Rs.8550/- for 15 tins was ordered to be recovered from the petitioner. The petitioner preferred an appeal against the said order. However, the appeal also came to be rejected by the order dated 19.1.98.

3. Having heard the learned advocates appearing for the parties, I do not find any illegality in the impugned orders. Admittedly, the petitioner's shop contained 30 tins in excess of stock register. The explanation of the petitioner that 30 tins were delivered early in the morning which delivery was taken by his wife and being very early in the morning, the truck driver also did not deliver the documents was not accepted by the authorities below. In writ jurisdiction, I do not find it possible to overrule this factual findings.

4. In the result, the petition fails and is hereby rejected. Rule is discharged.

(Akil Kureshi, J.)

(vjn)